

Board of Long-Term Care Administrators

Department of Health Professions
Perimeter Center
9960 Mayland Drive, Suite 200
Henrico, Virginia 23233-1463
Board Room #2

December 13, 2011

9:30 a.m.

AGENDA

CALL TO ORDER

ORDERING OF AGENDA

PUBLIC COMMENT PERIOD

ACCEPTANCE OF MINUTES – Tab 1

- Minutes of Board Meeting – July 7, 2011
- Telephonic Conference Minutes – August 12, 2011
- Informal Conference Minutes – November 7, 2011
- Informal Conference Minutes – November 7, 2011

EXECUTIVE DIRECTOR'S REPORT – Lisa R. Hahn - Tab 2

NEW BUSINESS

- Legislative & Regulatory Reports – Elaine Yeatts – **Tab 3**
 - Adoption of the NOIRA for the Oversight of Acting Administrators
 - Periodic Review of 18VAC95-20-10 et seq. Regulations Governing the Practice of Nursing Home Administrators

ADJOURNMENT

Tab 1

**UNAPPROVED MINUTES
VIRGINIA BOARD OF LONG TERM CARE ADMINISTRATORS
MEETING MINUTES**

The Virginia Board of Long Term Care Administrators convened for a board meeting on Thursday, July 7, 2011 at the Department of Health Professions, Perimeter Center, 9960 Mayland Drive, 2nd Floor, Board Room #2, Henrico, Virginia.

The following members were present:

Mary M. Smith, NHA, Chair
John Randolph Scott, NHA, ALFA, Vice-Chair
Kathleen R. Fletcher, MSN
Thomas J. Orsini, NHA
Gracie Bowers

The following members were absent:

Ted A. LeNeave, NHA
Martha H. Hunt, ALFA
Bertha Simmons, NHA, ALFA
Dianne L. Denny, ALFA

DHP staff present for all or part of the meeting included:

Lisa R. Hahn, Executive Director
Lynne Helmick, Deputy Executive Director
Elaine Yeatts, Senior Policy Analyst
Missy Currier, Board Operations Manager

Representative from the Office of the Attorney General present for the meeting:

Amy Marschean, Senior Assistant Attorney General

Quorum:

With 5 members present & consisting of at least one citizen member, a quorum was established.

Guests Present:

Lynne Williams, VDSS
R. Brent Kennedy, VDSS
Beverley Sobel, VHCA
Jeanne Grady, VALA
Judy Hackler, VALA

CALLED TO ORDER

Ms. Smith, Chair, called the Board meeting to order at 9:43 a.m.

PUBLIC COMMENT PERIOD

There was no public comment.

ORDERING OF THE AGENDA

The Agenda was re-ordered with the first order of business being a presentation given by Lynne Williams and R. Brent Kennedy on DSS Risk Assessment.

DSS Risk Assessment – Lynne Williams & R. Brent Kennedy

Ms. Williams began by stating that implementation of the program initially scheduled to begin on July 1ST had been postponed for 30 days. Although the presentation gave the board a better understanding of the process, they did express that it seemed to be more work than should be necessary. The Board commented that perhaps all facilities should have one year licenses to eliminate the burdensome task of assigning one to three year licenses. Ms. Williams pointed out that the law would need to change in order for this to happen.

ACCEPTANCE OF MINUTES

Upon a motion by Mr. Scott and properly seconded by Mr. Orsini, the Board voted to accept the following minutes of the board meeting:

- Telephonic Conference Minutes – January 13, 2011
- Minutes of Board Meeting – March 15, 2011
- Formal Conference Minutes – March 15, 2011
- Informal Conference Minutes – March 15, 2011
- Disciplinary Review Committee Minutes – June 13, 2011
- Regulatory/Legislative Minutes – June 13, 2011
- Informal Conference Minutes – June 13, 2011

The motion passed unanimously.

EXECUTIVE DIRECTOR'S REPORT – Lisa R. Hahn

Expenditure & Revenue Summary FY11

The cash balance as of June 30, 2010 was \$(98,946); the revenue for Fiscal Year 11 was \$352,990; direct and allocated expenditures were \$454,140; the ending cash balance as of May 31, 2011 was \$(200,096). Ms. Hahn pointed out that the regulations for the fee increase still remain at the Secretary's office.

Discipline Statistics

Ms. Hahn reported there are currently 33 open cases; 17 cases are in Investigations, 13 cases are in the probable cause level, 2 cases are in APD, and 1 is at the informal stage. She also

shared that the board received 85 cases this year and closed 91 compared to last year in which 89 cases were received and 62 were closed.

Virginia Performs

Ms. Hahn reported the clearance rate for the Quarter ending March 31, 2011 was 114%. During this quarter we received 14 cases and closed 16. The age of our pending case load over 250 days was at 12%; the percent of cases closed within 250 business days was 94%; the customer satisfaction rating achieved was 93%; and licensing within 30 days was at 100%.

Ms. Hahn also shared that just prior to the meeting she was provided with the following 4th quarter ending results; clearance rate was 158%; the age of pending case load was 7%; and the percent of cases closed within 250 days was 95%.

Licensee Statistics

Ms. Hahn reported the numbers of current licensees in the State of Virginia are as follows: 69 nursing home administrators in training, 89 assisted living facility administrators in training, 567 assisted living facility administrators, 151 assisted living facility preceptors; 788 nursing home administrators and 218 nursing home preceptors.

As promised at the last full board meeting, Ms. Hahn shared that the number of NHA Administrator's renewing decreased by 7 individuals. ALF Administrator's renewing increased by 7 during this renewal cycle.

NAB

Ms. Hahn reported that she attended the NAB Annual Meeting in Chicago from June 7 - 10, 2011 and that she serves as the Chair of the NAB State Governance and Regulatory Issues Committee.

Ms. Hahn reviewed and handed out the 2010 NAB Annual Report with testing statistics prepared by Professional Examination Services (PES) for the members to review at their convenience.

Disciplinary Review Committee

Ms. Hahn shared that the committee met with Pam Twombly, Regional Enforcement Manager and Pat Dewey, Senior Intake Analyst for the purpose of streamlining the way cases were investigated and to obtain a better understanding of what information is required in order for the board to effectively review and make case decisions. She added that sample cases were reviewed and it was decided that a more specific details about the facility on the case summary page would be helpful.

Regulatory and Legislative Committee

Ms. Hahn stated that the committee met to develop draft regulations for implementation of SB1093 regarding the oversight of acting administrators for Assisted Living Facilities, which became law on July 1, 2011, and that detailed discussion would take place under New Business.

MOU's with DSS and VDH

- **VDH** - Ms. Hahn stated that she held a meeting on June 22nd with Carrie Eddy and Connie Kane from the Virginia Department of Health (VDH), and Elaine Yeatts and Missy Currier. The purpose of the meeting was to review and update the MOU between the two agencies on how information is shared with each other.
- **DSS** - Ms. Hahn stated that a new MOU regarding sharing information between the two agencies had been drafted and shared with DSS.

Both draft versions would be shared and discussed later in the meeting under New Business.

Presentations

Ms. Hahn shared that she had recently presented at the National (NAB) Conference in Chicago and the VHCA/VCAL Symposium in Richmond and that Missy Currier presented at the VaLTC Spring Conference in Richmond.

Other Business

Ms. Hahn mentioned that she included additional information in the Agenda packages regarding additional Barrier Crimes for licensed Assisted Living Facilities and Adult Day Care Centers.

2011 Calendar

Ms. Hahn stated the remaining 2011 board meetings were scheduled for September 13th, and December 13th and that either meeting could be cancelled due to budgetary reasons or for having a light agenda.

NEW BUSINESS

Legislative & Regulatory Reports – Elaine Yeatts

Periodic Review

Ms. Yeatts stated that it was time for a periodic review of 18VAC95-20-10 et seq., Regulations Governing the Practice of Nursing Home Administrators.

Upon a motion by Ms. Fletcher and properly seconded by Mr. Orsini, the board voted to approve issuing the Notice of Periodic Review of Regulations and Request for Comment (attached) beginning August 1, 2011 and ending on September 1, 2011. The motion carried unanimously.

§§ 54.1-3103.1 and 63.2-1803 of the Code of Virginia, relating to administration of assisted living facilities:

Ms. Yeatts stated that according to the new law, the Board was required to promulgate regulations for the oversight of acting administrators of assisted living facilities who have sought licensure but who were not yet licensed as long-term care administrators by a preceptor registered or recognized by the board. She explained that the Regulatory Committee met in June and prepared recommendations for the full board to consider.

Following discussion, motion was made by Mr. Scott and properly seconded by Mr. Orsini to adopt the NOIRA (copy attached) as proposed. The motion carried unanimously.

Guidance Documents – Lisa R. Hahn

Ms. Hahn stated that revisions had been made to several guidance documents in order to keep current with terms, policies, or procedures.

Motion was made by Ms. Fletcher and properly seconded by Mr. Orsini to adopt the revisions made to Guidance Document 95-1 once signed by all parties. The motion carried unanimously.

Motion was made by Ms. Fletcher and properly seconded by Mr. Orsini to approve the revisions made to Guidance Document 95-2. The motion carried unanimously.

Motion was made by Mr. Orsini and properly seconded by Ms. Fletcher to approve the revisions made to Guidance Document 95-4. The motion carried unanimously.

Motion was made by Ms. Bowers and properly seconded by Mr. Orsini to approve the revisions made to Guidance Document 95-7. The motion carried unanimously.

Motion was made by Mr. Orsini and properly seconded by Mr. Scott to approve the revisions made to Guidance Document 95-8. The motion carried unanimously.

Motion was made by Ms. Fletcher and properly seconded by Mr. Orsini to approve the MOU between DHP and DSS as a new Guidance Document once officially signed by all parties. The motion carried unanimously.

ELECTION OF OFFICERS

Upon a motion by Kathleen Fletcher and properly seconded by Gracie Bowers, the board nominated the election of Randy Scott as Chair and Tom Orsini as Vice-Chair. The motion carried unanimously.

CONCLUSION

Ms. Hahn thanked Mary Smith and invited her and Bertha Simmons to join the board for lunch following the next meeting so that they could formally recognize them for their hard work and dedication while on the board.

ADJOURNMENT

With all business concluded, the meeting was adjourned at 11:35 a.m.

Mary Smith, NHA, Chair

Lisa R. Hahn, Executive Director

Date

Date

Attachments:

**Notice of Periodic Review of Regulations
Request for Comment**

Review Announcement: The Board of Long-Term Care Administrators within the Department of Health Professions is preparing to conduct a periodic review of its general regulations governing the practice of nursing home administrators:
18VAC95-20-10 et seq., Regulations Governing the Practice of Nursing Home Administrators

The Board is receiving comment on whether there is a need for amendments for clarification or for consistency with changes in practice.

Comment Begins: August 1, 2011
2011

Comment Ends: September 1,

If any member of the public would like to comment on these regulations, please send comments by the close of the comment period to:

Elaine J. Yeatts
Agency Regulatory Coordinator
Department of Health Professions
9960 Mayland Drive, Suite 300
Richmond, VA 23233

Comments may also be e-mailed to: elaine.yeatts@dhp.virginia.gov or faxed to: (804) 527-4434

Regulations for the practice of nursing home administrators may be viewed on-line at www.townhall.virginia.gov or www.dhp.virginia.gov or copies will be sent upon request.

Virginia Regulatory Town Hall

townhall.virginia.gov

Notice of Intended Regulatory Action (NOIRA) Agency Background Document

Agency name	Board of Long-Term Care Administrators, Department of Health Professions
Virginia Administrative Code (VAC) citation	18VAC95-30-10 et seq.
Regulation title	Regulations Governing the Practice of Assisted Living Facility Administrators
Action title	Oversight of acting administrators
Date this document prepared	6/16/11

This information is required for executive branch review and the Virginia Registrar of Regulations, pursuant to the Virginia Administrative Process Act (APA), Executive Orders 14 (2010) and 58 (1999), and the *Virginia Register Form, Style, and Procedure Manual*.

Purpose

Please describe the subject matter and intent of the planned regulatory action. Also include a brief explanation of the need for and the goals of the new or amended regulation.

The purpose of the regulatory action is to comply with the second enactment of Chapter 609 of the 2011 Acts of the Assembly, which requires: *"That the Board of Long-Term Care Administrators shall promulgate regulations for the oversight of acting administrators of assisted living facilities who have sought licensure but who are not yet licensed as long-term care administrators by a preceptor registered or recognized by the Board."* To implement provisions of Chapter 609, the Board will amend certain regulations for an administrator-in-training to ensure adequate oversight by the preceptor who is supervising the training of a person serving as the acting administrator for an assisted living facility. Regulations are

intended to clarify that the acting administrator is in training, that the preceptor is responsible for appropriate oversight, and that survey visit reports for the facility become part of the administrator-in-training reports.

Legal basis

Please identify the state and/or federal legal authority to promulgate this proposed regulation, including (1) the most relevant law and/or regulation, including Code of Virginia citation and General Assembly chapter number(s), if applicable, and (2) promulgating entity, i.e., agency, board, or person. Describe the legal authority and the extent to which the authority is mandatory or discretionary.

18VAC95-30-10 et seq. Regulations Governing the Practice of Assisted Living Facility Administrators are promulgated under the general authority of Chapter 24 of Title 54.1 of the Code of Virginia. Section 54.1-2400 (6) provides the Board the authority to promulgate regulations to administer the regulatory system:

§ 54.1-2400 -General powers and duties of health regulatory boards

The general powers and duties of health regulatory boards shall be:

...

6. To promulgate regulations in accordance with the Administrative Process Act (§ 9-6.14:1 et seq.) which are reasonable and necessary to administer effectively the regulatory system. Such regulations shall not conflict with the purposes and intent of this chapter or of Chapter 1 (§ 54.1-100 et seq.) and Chapter 25 (§ 54.1-2500 et seq.) of this title. ...

In addition, the Board has specific authority in § 54.1-3103.1 (as amended by Chapter 609) for regulation of an acting administrator for operation of assisted living facility:

A. All licensed assisted living facilities within the Commonwealth shall be under the supervision of an administrator licensed by the Board, except as provided in subsection B of § 54.1-3102. If a licensed assisted living facility administrator dies, resigns, is discharged, or becomes unable to perform his duties, the assisted living facility may continue to operate with an acting administrator in accordance with the provisions of § 63.2-1803. The facility shall immediately notify the Board of Long-Term Care Administrators and the regional licensing office of the Department of Social Services that the assisted living facility is operating without the supervision of a licensed assisted living facility administrator and shall provide the last date of employment of the licensed administrator. When an acting administrator is named, he shall notify the Department of Social Services of his employment and, if he is intending to assume the position permanently, submit a completed application for an approved administrator-in-training program to the Board within 10 days of employment.

B. Nothing in this chapter shall prohibit an assisted living administrator from serving as the administrator of record for more than one assisted living facility as permitted by regulations of the licensing authority for the facility.

Applicable law for the Department of Social Services was amended by Chapter 609 accordingly:

§ 63.2-1803. Staffing of assisted living facilities.

A. An administrator of an assisted living facility shall be licensed as an assisted living facility administrator by the Virginia Board of Long-Term Care Administrators pursuant to Chapter 31 (§ 54.1-3100 et seq.) of Title 54.1. However, an administrator of an assisted living facility licensed for residential living care only shall not be required to be licensed. Any person meeting the qualifications for a licensed nursing home administrator under § 54.1-3103 shall be deemed qualified to (i) serve as an administrator of an assisted living facility or (ii) serve as the administrator of both an assisted living facility and a licensed nursing home, provided the assisted living facility and licensed nursing home are part of the same building.

B. If a licensed assisted living facility administrator dies, resigns, is discharged, or becomes unable to perform his duties, the assisted living facility shall immediately employ a licensed administrator or appoint an acting administrator who is qualified by education for an approved administrator-in-training program and has a minimum of one year of administrative or supervisory experience in a health care or long-term care facility, or has completed such a program and is awaiting licensure. The facility shall give immediate notice to the regional licensing office of the Department of Social Services and to the Board of Long-Term Care Administrators and shall provide the last date of employment of the licensed administrator. When an acting administrator is named, he shall notify the Department of his employment and, if intending to assume the position permanently, submit a completed application for an approved administrator-in-training program to the Board of Long-Term Care Administrators within 10 days of employment. An assisted living facility may be operated by an acting administrator for no more than 150 days, or not more than 90 days if the acting administrator has not applied for licensure, from the last date of employment of the licensed administrator.

C. The Department may grant an extension of up to 30 days in addition to the 150 days from the last date of employment of a licensed administrator if the acting administrator has applied for licensure as a long-term care administrator pursuant to Chapter 31 (§ 54.1-3100 et seq.) of Title 54.1, has completed the administrator-in-training program, and is awaiting the results of the national examination. If a 30-day extension is granted, the acting administrator shall immediately submit written notice to the Board of Long-Term Care Administrators. In no case shall an assisted living facility be operated with an acting administrator for more than 180 days, including the 30-day extension, from the last date of employment of a licensed administrator.

D. No assisted living facility shall operate under the supervision of an acting administrator pursuant to § 54.1-3103.1 and this section more than one time during any two-year period

unless authorized to do so by the Department. Determinations regarding authorization to operate under the supervision of an acting administrator for more than one time in any two-year period shall be made by the Department on a case-by-case basis.

E. The assisted living facility shall have adequate, appropriate, and sufficient staff to provide services to attain and maintain (i) the physical, mental and psychosocial well-being of each resident as determined by resident assessments and individual plans of care and (ii) the physical safety of the residents on the premises. Upon admission and upon request, the assisted living facility shall provide in writing a description of the types of staff working in the facility and the services provided, including the hours such services are available.

Need

Please detail the specific reasons why the agency has determined that the proposed regulatory action is essential to protect the health, safety, or welfare of citizens. In addition, delineate any potential issues that may need to be addressed as the regulation is developed.

Assisted living facilities (ALF's) report that they find it very difficult to hire a licensed administrator as a replacement and must generally get someone from within the organization trained to become the licensed administrator. It is not possible to accomplish that within 90 days. Amendments to law in Chapter 609 (SB1093) would ensure that the person named as acting administrator is qualified by education to become licensed and that he is enrolled in an administrator-in-training program (AIT). Enrollment in an AIT program as a preceptee will at least ensure that there is some oversight and supervision by a preceptor of the acting administrator practice. The licensee who is the preceptor is held responsible for appropriate supervision but not for all activities that occur within the ALF under an acting administrator. The acting administrator may only serve for 150 days, but if the acting administrator has completed the program and taken the examination, a 30-day extension is allowed while he is awaiting the results of the examination and subsequent licensure by the Board.

Since the revised law will allow an acting administrator (unlicensed person) to remain in charge of an assisted living facility for up to 180 days (rather than the current 90 days), it is essential for the health, welfare and safety of residents in that facility to ensure appropriate oversight by the person who is supervising and training the acting administrator and to identify the status of the acting administrator to the public.

Substance

Please detail any changes that will be proposed. For new regulations, include a summary of the proposed regulatory action. Where provisions of an existing regulation are being amended, explain how the existing regulation will be changed.

Amendments to regulation will address the administrator-in-training (AIT) program as it applies to persons who are concurrently serving as the acting administrator for an assisted living facility. The maximum number of AIT hours required for persons with minimal educational qualifications is 640. Since persons typically complete an AIT program while otherwise employed in another capacity, they are given 24 months to complete the training. However, the law requires that unlicensed persons acting as administrators must complete the training within 150 days and become licensed within 180 days, or the facility must hire someone else who is a licensed administrator. Regulations will be amended for clarity and consistency with the law.

To ensure appropriate oversight on an acting administrator in an AIT program, the responsibility of the preceptor for training will be somewhat more explicit and may specify a minimum number of hours the preceptor should be personally in the building for oversight and training. Additionally, regulations may specify that the acting status of an administrator should be identified on a name tag and that the name of the acting administrator and preceptor license should be displayed so the public has information available to report possible violations.

Finally, the Board may specify that survey visit reports (conducted by Department of Social Services) during the period when the person in the AIT program should be included in progress reports, so the Board has knowledge of any major violations that may have occurred while the acting administrator (who is seeking full licensure) was in charge of the facility.

Alternatives

Please describe all viable alternatives to the proposed regulatory action that have been or will be considered to meet the essential purpose of the action. Also, please describe the process by which the agency has considered or will consider other alternatives for achieving the need in the most cost-effective manner.

There are no alternatives to the proposed regulatory action; it is mandated in the second enactment of Chapter 609. The Board will consider regulatory language that is reasonable and not overly burdensome but that accomplishes the intent of protecting the residents of assisted living facilities. The Virginia Health Care Association, the Virginia Association of Non-profit Homes of the Aging and the Virginia Alzheimer's Association have already commented with a recommendation that language be added to requirements for preceptors that assures responsibility for the oversight of the administrator-in-training when the trainee is acting as the administrator of record.

Public participation

Please indicate whether the agency is seeking comments on the intended regulatory action, including ideas to assist the agency in the development of the proposal and the costs and benefits of the alternatives stated in this notice or other alternatives. Also, indicate whether a public hearing is to be held to receive comments on this notice.

The agency is seeking comments on the intended regulatory action, including but not limited to 1) ideas to assist in the development of a proposal, 2) the costs and benefits of the alternatives stated in this background document or other alternatives and 3) potential impacts of the regulation. The agency is also seeking information on impacts on small businesses as defined in § 2.2-4007.1 of the Code of Virginia. Information may include 1) projected reporting, recordkeeping and other administrative costs, 2) probable effect of the regulation on affected small businesses, and 3) description of less intrusive or costly alternative methods of achieving the purpose of the regulation.

Anyone wishing to submit comments may do so via the Regulatory Town Hall website, www.townhall.virginia.gov, or by mail, email, or fax to Elaine Yeatts, Agency Regulatory Coordinator, 9960 Mayland Drive, Suite 300, Richmond, VA 23233 or to elaine.yeatts@dhp.virginia.gov. Written comments must include the name and address of the commenter. In order to be considered, comments must be received by the last day of the public comment period.

A public hearing will be held after proposed regulations have been adopted and approved for publication. Notice of the hearing will be found on the Virginia Regulatory Town Hall website (www.townhall.virginia.gov) and will be found in the Calendar of Events section of the Virginia Register of Regulations. Both oral and written comments may be submitted at that time.

Participatory approach

Please indicate, to the extent known, if advisers (e.g., ad hoc advisory committees, regulatory advisory panels) will be involved in the development of the proposed regulation. Indicate that 1) the agency is not using the participatory approach in the development of the proposal because the agency has authorized proceeding without using the participatory approach; 2) the agency is using the participatory approach in the development of the proposal; or 3) the agency is inviting comment on whether to use the participatory approach to assist the agency in the development of a proposal.

The Board will utilize the Regulatory/Legislative Committee for the development of proposed regulations. All interested parties are noticed when meetings are scheduled and are encouraged to participate.

Family impact

Assess the potential impact of the proposed regulatory action on the institution of the family and family stability including to what extent the regulatory action will: 1) strengthen or erode the authority and rights of parents in the education, nurturing, and supervision of their children; 2) encourage or discourage economic self-sufficiency, self-pride, and the assumption of responsibility for oneself, one's spouse, and one's children and/or elderly parents; 3) strengthen or erode the marital commitment; and 4) increase or decrease disposable family income.

If residents are placed in jeopardy by inadequate, unsafe conditions within an assisted living facility, the family of those residents can be significantly impacted. The purpose of a licensure law is to ensure qualified, knowledgeable persons provide oversight for the facility.

**UNAPPROVED
VIRGINIA BOARD OF LONG-TERM CARE ADMINISTRATORS
TELEPHONIC CONFERENCE
MEETING MINUTES**

The Virginia Board of Long-Term Care Administrators convened a telephone conference for consideration of a possible Summary Suspension on Friday, August 12, 2011, at 1:30 p.m.

MEMBERS PRESENT VIA TELEPHONE:

Mary Smith, NHA, Chair
Ted LaNeave, NHA
Tom Orsini, NHA

Randy Scott, NHA, ALFA
Gracie Bowers, Citizen Member

MEMBERS ABSENT:

Martha Hunt, ALFA
Kathy Fletcher, MSN

DHP STAFF PRESENT:

Lisa R. Hahn, Executive Director
Lynne Helmick, Deputy Executive Director
Kathy Truesdale, Discipline Operations Manager
Olivia Exterovich, Adjudication Specialist

MEMBERS FROM THE ATTORNEY GENERAL'S OFFICE PRESENT:

Corie Tilman-Wolf, Assistant Attorney General, OAG
Amy Marschean, Senior Assistant Attorney General, Board Counsel

MATTER SCHEDULED

Respondent: Patricia Newman, NHA
License No: 1701-001834
Registration No.: 1707-000152
Case Number: 139425

INTRODUCTION

Ms. Hahn opened the meeting by thanking everyone for their time and summarized the topic for consideration in today's telephone conference.

CALLED TO ORDER

Ms. Smith called the meeting to order at 1:42 p.m.

ROLL CALL

A roll call was taken with five (5) members of the Board participating, a quorum was established. Ms. Smith noted that due to the urgency of this matter and the inability for all Board members to assemble in person, we must hold this conference telephonically pursuant to 54.1-2400(13) of the Code of Virginia.

MEETING

Ms. Tilman-Wolf presented evidence that the continued practice of nursing home administration by Patricia Newman, may present a substantial danger to the health and safety of the public. Ms. Tilman-Wolf asked the Board to consider summarily suspending the license of Ms. Newman.

Mr. LeNeave moved to summarily suspend Patricia Newman's Nursing Home Administrator license and Assisted Living Facility Preceptor registration and offer a consent order for indefinite suspension in lieu of a formal hearing. Mr. Scott seconded the motion.

A roll call was taken and the motion passed unanimously with no negative votes.

ADJOURNMENT

With no further business the meeting adjourned at 2:21 p.m.

Mary Smith, NHA, Chair

Lisa R. Hahn, Executive Director

Date

Date

UNAPPROVED

**VIRGINIA BOARD OF LONG-TERM CARE ADMINISTRATORS
SPECIAL CONFERENCE COMMITTEE
MINUTES**

Monday, November 7, 2011

**Department of Health Professions
9960 Mayland Drive, Suite #300
Henrico, Virginia 23233**

CALL TO ORDER: A Special Conference Committee of the Board was called to order at 1:02 p.m.

MEMBERS PRESENT: Tom Orsini, NHA Chair
Randy Scott, NHA, ALFA

DHP STAFF PRESENT: Lynne Helmick, Deputy Executive Director
Kathy Truesdale, Discipline Operations Manager
David Kazzie, APD

OTHERS PRESENT: Michael Bragg, Esq.
Angela Wiclener

MATTER: Sandra L. Minton, ALFA
License No.: 1706-000020
Case No.: 137952

DISCUSSION: Ms. Minton appeared before the Committee in person in accordance with a Notice of the Board dated September 15, 2011. Ms. Minton was represented by Michael Bragg of Bragg Law, PLC.

The Committee fully discussed the allegations in the Notice with Ms. Minton.

CLOSED SESSION: Upon a motion by Mr. Scott, and duly seconded by Mr. Orsini, the Committee voted to convene a closed meeting pursuant to §2.2-3711.A(27) of the Code of Virginia, for the purpose of deliberation to reach a decision in the matter of Sandra L. Minton, ALFA. Additionally, he moved that Ms. Helmick, Ms.

Truesdale and Mr. Kazzie attend the closed meeting because their presence in the closed meeting was deemed necessary and would aid the Committee in its discussions. The Committee entered into closed session at 1:38 p.m.

RECONVENE:

Having certified that the matters discussed in the preceding closed session met the requirements of §2.2-3712 of the Code, the Committee re-convened in open session at 2:15 p.m.

DECISION:

Upon a motion by Mr. Scott, and duly seconded by Mr. Orsini, the Committee placed Ms. Minton on Probation for not less than 24 months along with other Terms and Conditions.

VOTE:

The vote was unanimous.

ADJOURNMENT:

The Committee adjourned at 2:21 p.m.

Tom Orsini, NHA, Chair

Lisa R. Hahn, Executive Director

Date

Date

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UNAPPROVED

VIRGINIA BOARD OF LONG-TERM CARE ADMINISTRATORS SPECIAL CONFERENCE COMMITTEE MINUTES

Monday, November 7, 2011

**Department of Health Professions
9960 Mayland Drive, Suite #300
Henrico, Virginia 23233**

CALL TO ORDER: A Special Conference Committee of the Board was called to order at 2:34 p.m.

MEMBERS PRESENT: Tom Orsini, NHA Chair
Randy Scott, NHA, ALFA

DHP STAFF PRESENT: Lynne Helmick, Deputy Executive Director
Kathy Truesdale, Discipline Operations Manager
David Kazzie, APD

OTHERS PRESENT: Michael Goodman, Esq.
Virginia Bondurant, Esq.
Douglas Widener

MATTER: Charlotte Wilson, NHA
License No.: 1701-001367 - Pending Reinstatement
Case No.: 139364

DISCUSSION: Ms. Wilson appeared before the Committee in person in accordance with a Notice of the Board dated October 6, 2011. Ms. Wilson was represented by Michael Goodman and Virginia Bondurant of Goodman, Allen & Filetti.

The Committee fully discussed Ms. Wilson's application for reinstatement of licensure as a Nursing Home Administrator and her compliance with her Board Order entered July 20, 2010.

PUBLIC COMMENTS:

The Committee heard from Mr. Douglas Widener, who expressed his views on Ms. Wilson's application for reinstatement.

CLOSED SESSION:

Upon a motion by Mr. Scott, and duly seconded by Mr. Orsini, the Committee voted to convene a closed meeting pursuant to §2.2-3711.A(27) of the Code of Virginia, for the purpose of deliberation to reach a decision in the matter of Charlotte Wilson, NHA reinstatement applicant. Additionally, he moved that Ms. Helmick, Ms. Truesdale and Mr. Kazzie attend the closed meeting because their presence in the closed meeting was deemed necessary and would aid the Committee in its discussions. The Committee entered into closed session at 3:12 p.m.

RECONVENE:

Having certified that the matters discussed in the preceding closed session met the requirements of §2.2-3712 of the Code, the Committee re-convened in open session at 3:55 p.m.

DECISION:

Upon a motion by Mr. Scott, and duly seconded by Mr. Orsini, the Committee approved Ms. Wilson's application for reinstatement. Ms. Wilson's license will be placed on Indefinite Probation for no less than three years as a Nursing Home Administrator, a \$1,000 monetary penalty was assessed, payable within sixty days of Order entry. Ms. Wilson must provide copies of all facility inspections and corrective action during her probationary period.

VOTE:

The vote was unanimous.

ADJOURNMENT:

The Committee adjourned at 3:58 p.m.

Tom Orsini, NHA, Chair

Lisa R. Hahn, Executive Director

Date

Date

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Tab 2

Virginia Department of Health Professions
Cash Balance
As of October 31, 2011

	<u>114- Long Term Care Administrators</u>
Cash Balance as of June 30, 2011	\$ (215,920)
YTD FY12 Revenue	19,392
Less: YTD FY12 Direct and In-Direct Expenditures	<u>160,872</u>
Cash Balance as of October 31, 2011	<u><u>\$ (357,400)</u></u>

Virginia Dept. of Health Professions Revenue and Expenditures Summary

114 July 1, 2011 through October 31, 2011

	Jul 11	Aug 11	Sep 11	Oct 11	TOTAL
Revenue					
2400 · Fee Revenue					
2401 · Application Fee	3,765.00	3,860.00	4,430.00	3,835.00	15,890.00
2406 · License & Renewal Fee	225.00	450.00	1,135.00	275.00	2,085.00
2407 · Dup. License Certificate Fee	15.00	0.00	40.00	15.00	70.00
2409 · Board Endorsement - Out	150.00	25.00	100.00	50.00	325.00
2421 · Monetary Penalty & Late Fees	65.00	130.00	215.00	85.00	495.00
2432 · Misc. Fee (Bad Check Fee)	0.00	35.00	0.00	0.00	35.00
Total 2400 · Fee Revenue	4,220.00	4,500.00	5,920.00	4,260.00	18,900.00
3000 · Sales of Prop. & Commodities					
3020 · Misc. Sales-Dishonored Payments	0.00	0.00	0.00	0.00	0.00
Total 3000 · Sales of Prop. & Commodities	0.00	0.00	0.00	0.00	0.00
9000 · Other Revenue					
9084 · Refund- Prior Yr Disb	0.00	491.55	0.00	0.00	491.55
Total 9000 · Other Revenue	0.00	491.55	0.00	0.00	491.55
Total Revenue	4,220.00	4,991.55	5,920.00	4,260.00	19,391.55
Expenditures					
1100 · Personal Services					
1110 · Employee Benefits					
1111 · Employer Retirement Contrib.	1,002.18	446.04	446.04	446.04	2,340.30
1112 · Fed Old-Age Ins- Sal St Emp	737.90	499.37	499.39	499.38	2,236.04
1114 · Group Insurance	102.07	69.14	69.14	69.14	309.49
1115 · Medical/Hospitalization Ins.	976.95	651.30	651.30	651.30	2,930.85
1116 · Retiree Medical/Hospitalizatn	99.06	67.10	67.10	67.10	300.36
1117 · Long term Disability Ins	66.05	44.74	44.74	44.74	200.27
Total 1110 · Employee Benefits	2,984.21	1,777.69	1,777.71	1,777.70	8,317.31
1120 · Salaries					
1123 · Salaries, Classified	10,006.38	6,778.52	6,778.52	6,778.52	30,341.94
Total 1120 · Salaries	10,006.38	6,778.52	6,778.52	6,778.52	30,341.94
1130 · Special Payments					
1138 · Deferred Compnstn Match Pmts	88.50	59.00	59.00	59.00	265.50
Total 1130 · Special Payments	88.50	59.00	59.00	59.00	265.50
1160 · Terminatn Personal Svce Costs					
1165 · Employee Retirement Contributio	968.34	0.00	0.00	0.00	968.34
Total 1160 · Terminatn Personal Svce Costs	968.34	0.00	0.00	0.00	968.34
Total 1100 · Personal Services	14,047.43	8,615.21	8,615.23	8,615.22	39,893.09

Virginia Dept. of Health Professions
Revenue and Expenditures Summary

	114 July 1, 2011 through October 31, 2011	Aug 11	Sep 11	Oct 11	TOTAL
1200 · Contractual Services					
1210 · Communication Services					
1211 · Express Services	0.00	0.00	0.00	8.44	8.44
1214 · Postal Services	5.75	171.47	37.50	151.43	366.15
1216 · Telecommunications Svcs (DIT)	60.44	52.88	53.73	51.36	218.41
Total 1210 · Communication Services	<u>66.19</u>	<u>224.35</u>	<u>91.23</u>	<u>211.23</u>	<u>593.00</u>
1220 · Employee Development Services					
1221 · Organization Memberships	0.00	0.00	0.00	1,200.00	1,200.00
1225 · Employee Tuition Reimbursement	0.00	0.00	63.00	0.00	63.00
Total 1220 · Employee Development Services	<u>0.00</u>	<u>0.00</u>	<u>63.00</u>	<u>1,200.00</u>	<u>1,263.00</u>
1240 · Mgmnt and Informational Svcs					
1242 · Fiscal Services	26.56	5.66	4.93	6.09	43.24
1244 · Management Services	0.00	11.66	0.00	0.52	12.18
1247 · Legal Services	0.00	0.00	0.00	111.15	111.15
Total 1240 · Mgmnt and Informational Svcs	<u>26.56</u>	<u>17.32</u>	<u>4.93</u>	<u>117.76</u>	<u>166.57</u>
1260 · Support Services					
1264 · Food & Dietary Services	171.74	0.00	0.00	0.00	171.74
1266 · Manual Labor Services	10.90	27.78	10.46	54.50	103.64
1267 · Production Services	549.67	109.50	78.61	466.78	1,204.56
1268 · Skilled Services	231.75	231.75	231.75	231.75	927.00
Total 1260 · Support Services	<u>964.06</u>	<u>369.03</u>	<u>320.82</u>	<u>753.03</u>	<u>2,406.94</u>
1280 · Transportation Services					
1282 · Travel, Personal Vehicle	433.98	0.00	0.00	36.65	470.63
1283 · Travel, Public Carriers	103.00	0.00	0.00	73.30	176.30
1285 · Travel, Subsistence & Lodging	48.00	0.00	0.00	0.00	48.00
1288 · Trvl, Meal Reimb- Not Rptble	140.00	0.00	0.00	72.00	212.00
Total 1280 · Transportation Services	<u>724.98</u>	<u>0.00</u>	<u>0.00</u>	<u>181.95</u>	<u>906.93</u>
Total 1200 · Contractual Services	<u>1,781.79</u>	<u>610.70</u>	<u>479.98</u>	<u>2,463.97</u>	<u>5,336.44</u>
1300 · Supplies And Materials					
1310 · Administrative Supplies					
1312 · Office Supplies	6.89	19.29	0.00	75.56	101.74
Total 1310 · Administrative Supplies	<u>6.89</u>	<u>19.29</u>	<u>0.00</u>	<u>75.56</u>	<u>101.74</u>
1370 · Specific Use Supplies					
1373 · Computer Operating Supplies	1.35	0.00	0.00	0.00	1.35
Total 1370 · Specific Use Supplies	<u>1.35</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	<u>1.35</u>
Total 1300 · Supplies And Materials	<u>8.24</u>	<u>19.29</u>	<u>0.00</u>	<u>75.56</u>	<u>103.09</u>

Virginia Dept. of Health Professions Revenue and Expenditures Summary

	114 July 1, 2011 through October 31, 2011	Aug 11	Sep 11	Oct 11	TOTAL
1400 · Transfer Payments					
1410 · Awards, Contrib., and Claims					
1413 · Premiums	120.00	0.00	0.00	0.00	120.00
Total 1410 · Awards, Contrib., and Claims	<u>120.00</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	<u>120.00</u>
Total 1400 · Transfer Payments	120.00	0.00	0.00	0.00	120.00
1500 · Continuous Charges					
1530 · Operating Lease Payments					
1539 · Building Rentals - Non State	873.00	910.14	983.18	910.14	3,676.46
Total 1530 · Operating Lease Payments	<u>873.00</u>	<u>910.14</u>	<u>983.18</u>	<u>910.14</u>	<u>3,676.46</u>
Total 1500 · Continuous Charges	873.00	910.14	983.18	910.14	3,676.46
2200 · Equipment Expenditures					
Electronic & Photo Equip Impr	0.00	0.47	0.00	0.00	0.47
Total 2200 · Equipment Expenditures	<u>0.00</u>	<u>0.47</u>	<u>0.00</u>	<u>0.00</u>	<u>0.47</u>
Total Expenditures	<u>16,830.46</u>	<u>10,155.81</u>	<u>10,078.39</u>	<u>12,064.89</u>	<u>49,129.55</u>
9001 · Allocated Expenditures					
9206 · Funeral\LTCA\PT	9,678.41	6,213.59	6,190.00	6,305.92	28,387.92
9301 · DP Operations & Equipment	5,777.28	2,393.23	4,228.13	5,485.55	17,884.19
9302 · Human Resources	2,272.41	1,689.79	781.42	794.05	5,537.67
9303 · Finance	2,293.82	1,563.70	2,237.73	807.56	6,902.81
9304 · Director's Office	1,274.65	789.68	823.45	858.28	3,746.06
9305 · Enforcement	14,135.54	8,315.27	6,901.97	5,315.14	34,667.92
9306 · Administrative Proceedings	696.71	771.83	169.22	0.00	1,637.76
9307 · Impaired Practitioners	20.00	12.89	13.31	13.06	59.26
9308 · Attorney General	0.00	4,288.73	0.00	4,332.93	8,621.66
9309 · Board of Health Professions	894.53	466.68	657.24	642.08	2,660.53
9313 · Emp. Recognition Program	0.00	0.00	0.00	6.84	6.84
9314 · Conference Center	17.94	14.91	11.56	19.61	64.02
9315 · Pgm Devlpmnt & Implmentn	459.77	335.13	385.96	384.65	1,565.51
Total 9001 · Allocated Expenditures	<u>37,521.06</u>	<u>26,855.43</u>	<u>22,399.99</u>	<u>24,965.67</u>	<u>111,742.15</u>
Total Direct and Allocated Expenditures	<u>54,351.52</u>	<u>37,011.24</u>	<u>32,478.38</u>	<u>37,030.56</u>	<u>160,871.70</u>
Net Cash Surplus\Shortfall	<u>-50,131.52</u>	<u>-32,019.69</u>	<u>-26,558.38</u>	<u>-32,770.56</u>	<u>-141,480.15</u>

Virgina Department of Health Professions
Cash Balance
As of September 30, 2011

	<u>114- Long Term Care Administrators</u>
Cash Balance as of June 30, 2011	\$ (215,920)
YTD FY12 Revenue	15,132
Less: YTD FY12 Direct and In-Direct Expenditures	<u>123,841</u>
Cash Balance as of September 30, 2011	<u><u>\$ (324,630)</u></u>

Virginia Dept. of Health Professions
Revenue and Expenditures Summary
 July 1 through September 30, 2011

114- Long-Term Care Administrat				
	<u>Jul '11 - Sept 11</u>	<u>Budget</u>	<u>\$ Over Budget</u>	<u>% of Budget</u>
2400 · Fee Revenue				
2401 · Application Fee	12,055.00	46,450.00	-34,395.00	25.95%
2402 · Examination Fee	0.00			
2406 · License & Renewal Fee	1,810.00	309,000.00	-307,190.00	0.59%
2407 · Dup. License Certificate Fee	55.00	75.00	-20.00	73.33%
2408 · Board Endorsement - In	0.00			
2409 · Board Endorsement - Out	275.00	750.00	-475.00	36.67%
2421 · Monetary Penalty & Late Fees	410.00	955.00	-545.00	42.93%
2430 · Board Changes Fee	0.00			
2432 · Misc. Fee (Bad Check Fee)	35.00			
Total 2400 · Fee Revenue	<u>14,640.00</u>	<u>357,230.00</u>	<u>-342,590.00</u>	<u>4.1%</u>
3000 · Sales of Prop. & Commodities				
3007 · Sales of Goods/Svces to State	0.00			
3020 · Misc. Sales-Dishonored Payments	0.00			
Total 3000 · Sales of Prop. & Commodities	<u>0.00</u>			
9000 · Other Revenue				
9060 · Miscellaneous Revenue	0.00			
9084 · Refund- Prior Yr Disb	491.55			
Total 9000 · Other Revenue	<u>491.55</u>			
Total Revenue	<u>15,131.55</u>	<u>357,230.00</u>	<u>-342,098.45</u>	<u>4.24%</u>
Expenditures				
1100 · Personal Services				
1110 · Employee Benefits				
1111 · Employer Retirement Contrib.	1,894.26	5,122.47	-3,228.21	36.98%
1112 · Fed Old-Age Ins- Sal St Emp	1,736.66	5,955.46	-4,218.80	29.16%
1113 · Fed Old-Age Ins- Wage Earners	0.00	690.00	-690.00	0.0%
1114 · Group Insurance	240.35	794.06	-553.71	30.27%
1115 · Medical/Hospitalization Ins.	2,279.55	7,214.40	-4,934.85	31.6%
1116 · Retiree Medical/Hospitalizatn	233.26	770.71	-537.45	30.27%
1117 · Long term Disability Ins	155.53	513.80	-358.27	30.27%
Total 1110 · Employee Benefits	<u>6,539.61</u>	<u>21,060.90</u>	<u>-14,521.29</u>	<u>31.05%</u>
1120 · Salaries				
1123 · Salaries, Classified	23,563.42	77,849.10	-54,285.68	30.27%
1125 · Salaries, Overtime	0.00			
Total 1120 · Salaries	<u>23,563.42</u>	<u>77,849.10</u>	<u>-54,285.68</u>	<u>30.27%</u>
1130 · Special Payments				
1131 · Bonuses and Incentives	0.00	0.00	0.00	0.0%

Virginia Dept. of Health Professions
Revenue and Expenditures Summary
July 1 through September 30, 2011

114- Long-Term Care Administrat				
	Jul '11 - Sept 11	Budget	\$ Over Budget	% of Budget
1138 · Deferred Compnstn Match Pmts	206.50	768.00	-561.50	26.89%
Total 1130 · Special Payments	206.50	768.00	-561.50	26.89%
1140 · Wages				
1141 · Wages, General	0.00	9,011.00	-9,011.00	0.0%
Total 1140 · Wages	0.00	9,011.00	-9,011.00	0.0%
1150 · Disability Benefits				
1153 · Short-trm Disability Benefits	0.00			
Total 1150 · Disability Benefits	0.00			
1160 · Terminatn Personal Svce Costs				
1162 · Salaries, Annual Leave Balanc	0.00			
1163 · Salaries, Sick Leave Balances	0.00			
1165 · Employee Retirement Contributio	968.34	969.00	-0.66	99.93%
Total 1160 · Terminatn Personal Svce Costs	968.34	969.00	-0.66	99.93%
Total 1100 · Personal Services	31,277.87	109,658.00	-78,380.13	28.52%
1200 · Contractual Services				
1210 · Communication Services				
1211 · Express Services	0.00	25.00	-25.00	0.0%
1212 · Outbound Freight Services	0.00	10.00	-10.00	0.0%
1213 · Messenger Services	0.00			
1214 · Postal Services	214.72	2,100.00	-1,885.28	10.23%
1215 · Printing Services	0.00	500.00	-500.00	0.0%
1216 · Telecommunications Svcs (DIT)	167.05	115.00	52.05	145.26%
1217 · Telecomm. Svcs (Non-State)	0.00			
1219 · Inbound Freight Services	0.00			
Total 1210 · Communication Services	381.77	2,750.00	-2,368.23	13.88%
1220 · Employee Development Services				
1221 · Organization Memberships	0.00	1,200.00	-1,200.00	0.0%
1222 · Publication Subscriptions	0.00			
1224 · Emp Trning Courses, Wkshp & Cnf	0.00			
1225 · Employee Tuition Reimbursement	63.00			
1227 · Emp Trning- Trns, Ldgng & Meals	0.00			
Total 1220 · Employee Development Services	63.00	1,200.00	-1,137.00	5.25%
1230 · Health Services				
1236 · X-ray and Laboratory Services	0.00			
Total 1230 · Health Services	0.00			

Virginia Dept. of Health Professions
Revenue and Expenditures Summary
 July 1 through September 30, 2011

114- Long-Term Care Administrat				
	<u>Jul '11 - Sept 11</u>	<u>Budget</u>	<u>\$ Over Budget</u>	<u>% of Budget</u>
1240 · Mgmnt and Informational Svcs				
1242 · Fiscal Services	37.15	7,990.00	-7,952.85	0.47%
1244 · Management Services	11.66			
1246 · Public Infrmtnl & Relation Svcs	0.00			
1247 · Legal Services	0.00			
1248 · Media Services	0.00			
1249 · Recruitment Services	0.00			
Total 1240 · Mgmnt and Informational Svcs	<u>48.81</u>	<u>7,990.00</u>	<u>-7,941.19</u>	<u>0.61%</u>
1250 · Repair and Maintenance Svcs				
1253 · Equip Repair & Maintenance	0.00			
Total 1250 · Repair and Maintenance Svcs	<u>0.00</u>			
1260 · Support Services				
1263 · Clerical Services	0.00			
1264 · Food & Dietary Services	171.74	600.00	-428.26	28.62%
1266 · Manual Labor Services	49.14	150.00	-100.86	32.76%
1267 · Production Services	737.78	500.00	237.78	147.56%
1268 · Skilled Services	695.25	2,741.00	-2,045.75	25.37%
Total 1260 · Support Services	<u>1,653.91</u>	<u>3,991.00</u>	<u>-2,337.09</u>	<u>41.44%</u>
1280 · Transportation Services				
1282 · Travel, Personal Vehicle	433.98	4,680.00	-4,246.02	9.27%
1283 · Travel, Public Carriers	103.00			
1284 · Travel, State Vehicles	0.00			
1285 · Travel, Subsistence & Lodging	48.00	800.00	-752.00	6.0%
1288 · Trvl, Meal Reimb- Not Rprtle	140.00	400.00	-260.00	35.0%
Total 1280 · Transportation Services	<u>724.98</u>	<u>5,880.00</u>	<u>-5,155.02</u>	<u>12.33%</u>
Total 1200 · Contractual Services	2,872.47	21,811.00	-18,938.53	13.17%
1300 · Supplies And Materials				
1310 · Administrative Supplies				
1312 · Office Supplies	26.18	400.00	-373.82	6.55%
1313 · Stationery and Forms	0.00	100.00	-100.00	0.0%
Total 1310 · Administrative Supplies	<u>26.18</u>	<u>500.00</u>	<u>-473.82</u>	<u>5.24%</u>
1330 · Manufctrng and Merch Supplies				
1335 · Packaging and Shipping Suppl	0.00			
Total 1330 · Manufctrng and Merch Supplies	<u>0.00</u>			
1360 · Residential Supplies				

Virginia Dept. of Health Professions
Revenue and Expenditures Summary

July 1 through September 30, 2011

114- Long-Term Care Administrat				
	<u>Jul '11 - Sept 11</u>	<u>Budget</u>	<u>\$ Over Budget</u>	<u>% of Budget</u>
1362 · Food and Dietary Supplies	0.00			
1363 · Food Service Supplies	0.00	25.00	-25.00	0.0%
Total 1360 · Residential Supplies	0.00	25.00	-25.00	0.0%
1370 · Specific Use Supplies				
1373 · Computer Operating Supplies	1.35			
Total 1370 · Specific Use Supplies	1.35			
Total 1300 · Supplies And Materials	27.53	525.00	-497.47	5.24%
1400 · Transfer Payments				
1410 · Awards, Contrib., and Claims				
1413 · Premiums	120.00	200.00	-80.00	60.0%
1415 · Unemployment Compnsatn Reimb	0.00	100.00	-100.00	0.0%
Total 1410 · Awards, Contrib., and Claims	120.00	300.00	-180.00	40.0%
Total 1400 · Transfer Payments	120.00	300.00	-180.00	40.0%
1500 · Continuous Charges				
1510 · Insurance-Fixed Assets				
1516 · Property Insurance	0.00			
1510 · Insurance-Fixed Assets - Other	0.00	110.00	-110.00	0.0%
Total 1510 · Insurance-Fixed Assets	0.00	110.00	-110.00	0.0%
1530 · Operating Lease Payments				
1534 · Equipment Rentals	0.00	0.00	0.00	0.0%
1535 · Building Rentals	0.00			
1539 · Building Rentals - Non State	2,766.32	5,773.00	-3,006.68	47.92%
Total 1530 · Operating Lease Payments	2,766.32	5,773.00	-3,006.68	47.92%
1540 · Service Charges				
1541 · Agency Service Charges	0.00			
Total 1540 · Service Charges	0.00			
1550 · Insurance-Operations				
1551 · General Liability Insurance	0.00			
Total 1550 · Insurance-Operations	0.00			
Total 1500 · Continuous Charges	2,766.32	5,883.00	-3,116.68	47.02%
2200 · Equipment Expenditures				
Electronic & Photo Equip Impr	0.47			
2220 · Educational & Cultural Equip				

Virginia Dept. of Health Professions Revenue and Expenditures Summary

July 1 through September 30, 2011

	114- Long-Term Care Administrat			
	Jul '11 - Sept 11	Budget	\$ Over Budget	% of Budget
2224 · Reference Equipment	0.00			
Total 2220 · Educational & Cultural Equip	0.00			
2230 · Electrnc & Photographic Equip				
2233 · Voice & Data Transmissn Equip	0.00			
Total 2230 · Electrnc & Photographic Equip	0.00			
2260 · Office Equipment				
2261 · Office Appurtenances	0.00			
2262 · Office Furniture	0.00	50.00	-50.00	0.0%
2263 · Office Incidentals	0.00			
2264 · Office Machines	0.00	55.00	-55.00	0.0%
2268 · Office Equipment Improvements	0.00			
Total 2260 · Office Equipment	0.00	105.00	-105.00	0.0%
Total 2200 · Equipment Expenditures	0.47	105.00	-104.53	0.45%
Total Direct Expenditures	37,064.66	138,282.00	-101,217.34	26.8%
9001 · Allocated Expenditures				
9201 · Behavioral Science Exec	0.00			
9202 · OptVMASLP Exec Dir	0.00			
9204 · Nursing / Nurse Aid	0.00			
9206 · Funeral\LTCA\PT	22,082.00	75,505.45	-53,423.45	29.25%
9301 · DP Operations & Equipment	12,398.64	126,336.12	-113,937.48	9.81%
9302 · Human Resources	4,743.62	11,898.84	-7,155.22	39.87%
9303 · Finance	6,095.25	20,241.48	-14,146.23	30.11%
9304 · Director's Office	2,887.78	11,126.52	-8,238.74	25.95%
9305 · Enforcement	29,352.78	142,135.80	-112,783.02	20.65%
9306 · Administrative Proceedings	1,637.76	22,858.80	-21,221.04	7.17%
9307 · Impaired Practitioners	46.20	116.88	-70.68	39.53%
9308 · Attorney General	4,288.73	17,517.12	-13,228.39	24.48%
9309 · Board of Health Professions	2,018.45	8,194.92	-6,176.47	24.63%
9310 · SRTA	0.00			
9311 · Moving Costs	0.00	881.41	-881.41	0.0%
9313 · Emp. Recognition Program	0.00	401.16	-401.16	0.0%
9314 · Conference Center	44.41	561.60	-517.19	7.91%
9315 · Pgm Devlpmnt & Implmntn	1,180.86	4,904.64	-3,723.78	24.08%
987900 · Cash Trsfr Out- Appr Act Pt. 3	0.00	1,464.96	-1,464.96	0.0%
Total 9001 · Allocated Expenditures	86,776.48	444,145.70	-357,369.22	19.54%
Total Direct and Allocated Expenditures	123,841.14	582,427.70	-458,586.56	21.26%
Net Cash Surplus\Shortfall	-108,709.59	-225,197.70	116,488.11	48.27%

Proposed Fee Increases

Approved by Board December 6, 2010

Board of Long-Term Care Administrators Revenue and Expenditures Projections FY11 - FY16 Option 3

	Licenses	Licenses	FY12 - FY13 Revenue	FY14 - FY16 Revenue	Proposed Fees I	Proposed Fees II	Current Fees
Renewal Fee:							
Nursing Home Administrator	820	820	258,300	285,200	315	360	225
Assisted Living Administrator	575	575	181,125	207,000	315	360	225
Nursing Home Preceptor	215	215	13,975	18,275	65	85	50
ALA Preceptor	140	140	9,100	11,900	65	85	50
Application Fee:							
NH Administrators	75	75	23,625	27,000	315	360	200
NH Preceptor	10	10	650	850	65	85	50
Administrator in Training	120	120	25,800	30,000	215	250	185
Assisted Living Administrator-Preceptor Application	75	75	4,875	6,375	65	85	50
Assisted Living Administrator-Application	25	25	7,875	9,000	315	360	200
Endorsement - Out							
NH Administrators	30	30	1,050	1,200	35	40	25
Late Fee							
Duplicate Licensee	25	25	2,750	3,000	110	120	65
Reinstatement	5	5	125	150	25	30	15
Reinstatement after Discipline	8	8	3,480	3,880	435	485	315
Returned Check Fee	2	2	2,000	2,000	1000	1000	35
Total			534,730	615,830			

Cash Balance as of June 30, 2009	\$ 18,929	Projected Cash Balance as of June 30, 2013	(158,375)
FY10 Revenue	354,270	Projected FY14 Revenue	615,830
FY10 Direct and In-Direct Expenditures & Cash Transfers	470,144	Projected FY14 Direct and In-Direct Expenditures	532,761
Cash Balance as of June 30, 2010	(98,946)	Projected Cash Balance as of June 30, 2014	(75,306)
Cash Balance as of June 30, 2010	(98,946)	Projected Cash Balance as of June 30, 2014	(75,306)
Projected FY11 Revenue	383,045	Projected FY15 Revenue	615,830
Projected FY11 Direct and In-Direct Expenditures	488,187	Projected FY15 Direct and In-Direct Expenditures	548,081
Projected Cash Balance as of June 30, 2011	(204,088)	Projected Cash Balance as of June 30, 2015	(5,557)
Projected Cash Balance as of June 30, 2011	(204,088)	Projected Cash Balance as of June 30, 2015	(5,557)
Projected FY12 Revenue	534,730	Projected FY16 Revenue	615,830
Projected FY12 Direct and In-Direct Expenditures	505,544	Projected FY16 Direct and In-Direct Expenditures	559,740
Projected Cash Balance as of June 30, 2012	(174,902)	Projected Cash Balance as of June 30, 2016	\$ 50,633
Projected Cash Balance as of June 30, 2012	(174,902)		
Projected FY13 Revenue	534,730		
Projected FY13 Direct and In-Direct Expenditures	518,202		
Projected Cash Balance as of June 30, 2013	(158,375)		

Long Term Care Administrators

Discipline Statistics

November 2011

<i>Investigations</i>	<i>14</i>
<i>Probable Cause</i>	<i>4</i>
<i>APD</i>	<i>5</i>
<i>Informal</i>	<i>4</i>
<i>Formal</i>	<i>0</i>
<i>OAG</i>	<i>0</i>
<i>Total</i>	<i>27</i>

Compliance Cases

14

Long Term Care Administrators

Discipline Statistics

November 2011

<i>Investigations</i>	<i>14</i>
<i>Probable Cause</i>	<i>4</i>
<i>APD</i>	<i>5</i>
<i>Informal</i>	<i>4</i>
<i>Formal</i>	<i>0</i>
<i>OAG</i>	<i>0</i>
<i>Total</i>	<i>27</i>

Long Term Care Administrators

License Count Report

November 2011

<i>NHA Administrator in Training</i>	<i>80</i>
<i>ALF Administrator in Training</i>	<i>80</i>
<i>"Acting" ALF Administrator in Training</i>	<i>2</i>
<i>Nursing Home Administrator</i>	<i>818</i>
<i>Assisted Living Facility Administrator</i>	<i>595</i>
<i>Nursing Home Preceptor</i>	<i>223</i>
<i>Assisted Living Facility Preceptor</i>	<i>161</i>
<i>Total</i>	<i>1,959</i>

Virginia Department of Health Professions

Patient Care Disciplinary Case Processing Times:

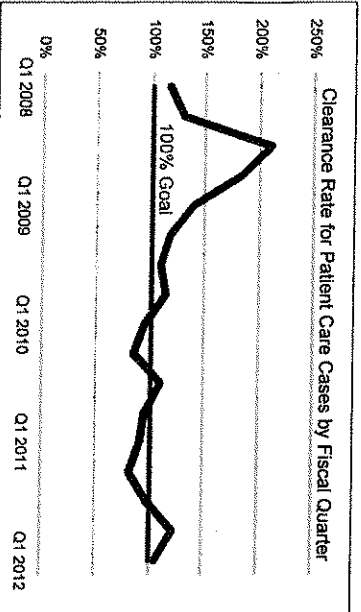
Quarterly Performance Measurement, Q1 2008 - Q1 2012

Dianne Reynolds-Cane, M.D.
Director

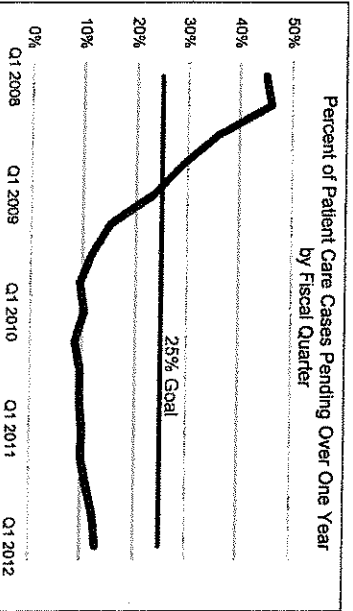
"To ensure safe and competent patient care by licensing health professionals, enforcing standards of practice, and providing information to health care practitioners and the public."
DHP Mission Statement

In order to uphold its mission relating to discipline, DHP continually assesses and reports on performance. Extensive trend information is provided on the DHP website, in biennial reports, and, most recently, on Virginia Performs through Key Performance Measures (KPMs). KPMs offer a concise, balanced, and data-based way to measure disciplinary case processing. These three measures, taken together, enable staff to identify and focus on areas of greatest importance in managing the disciplinary caseload: Clearance Rate, Age of Pending Caseload and Time to Disposition uphold the objectives of the DHP mission statement. The following pages show the KPMs by board, listed in order by caseload volume; volume is defined as the number of cases received during the previous 4 quarters. In addition, readers should be aware that vertical scales on the line charts change, both across boards and measures, in order to accommodate varying degrees of data fluctuation.

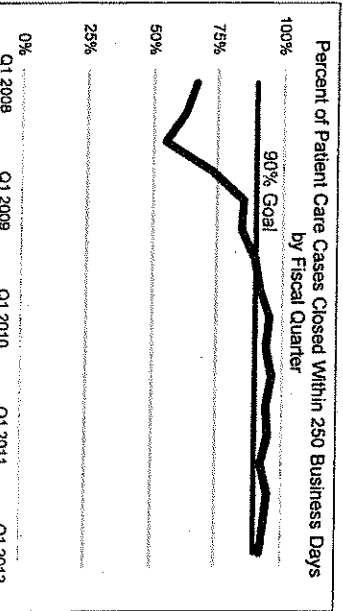
Clearance Rate - the number of closed cases as a percentage of the number of received cases. A 100% clearance rate means that the agency is closing the same number of cases as it receives each quarter. DHP's goal was to achieve a 100% clearance rate of allegations of misconduct by the end of FY 2009 and maintain 100% through the end of FY 2010. The current quarter's clearance rate is 105%, with 1019 patient care cases received and 1071 closed.



Age of Pending Caseload - the percent of open patient care cases over 250 business days old. This measure tracks the backlog of patient care cases older than 250 business days to aid management in providing specific closure targets. The goal was to reduce the percentage of open patient care cases older than 250 business days to no more than 25% by the end of FY 2010. That goal continues to be achieved with the percent of cases pending over 250 business days dropping dramatically from 45% to 13%. For the last quarter shown, there were 1784 patient care cases pending, with 228 pending over 250 business days.



Time to Disposition - the percent of patient care cases closed within 250 business days for cases received within the preceding eight quarters. This moving eight-quarter window approach captures the vast majority of cases closed in a given quarter and effectively removes any undue influence of the oldest cases on the measure. The goal was to resolve 90% of cases related to patient care within 250 business days by the end of FY 2010. That goal continues to be achieved with 92% percent of patient care cases being resolved within 250 business days this past quarter. During the last quarter, there were 1,071 patient care cases closed, with 989 closed within 250 business days.



Virginia Department of Health Professions - Patient Care Disciplinary Case Processing Times, by Board

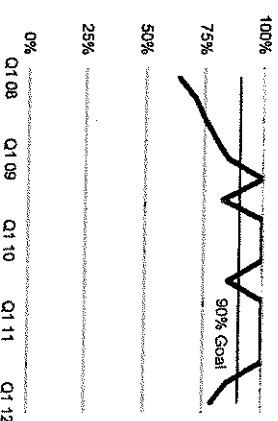
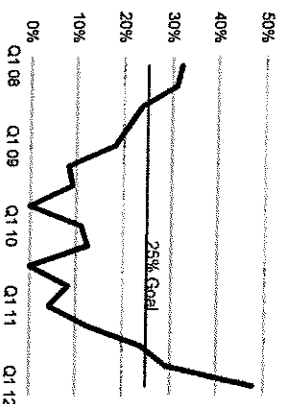
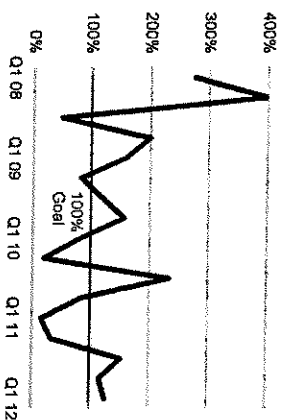
Clearance Rate

Age of Pending Caseload
(percent of cases pending over one year)

Percent Closed in 250 Business Days

Psychology - In Q1 2012, the clearance rate was 127%, the Pending Caseload older than 250 business days was 48% and the percent closed within 250 business days was 79%.

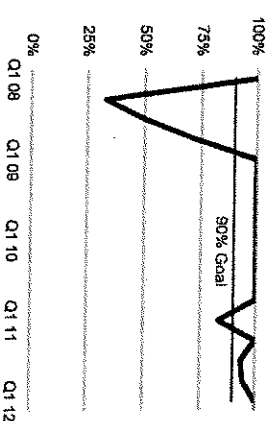
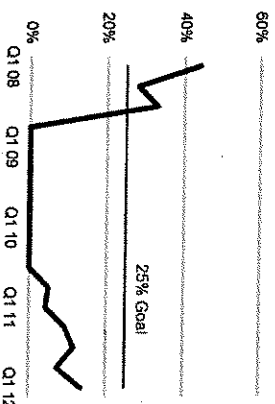
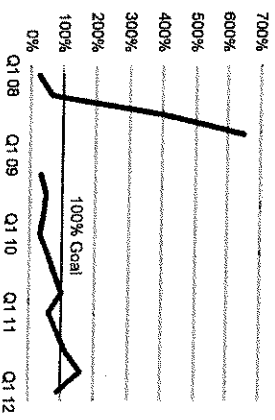
Q1 2012 Caseloads:
Received=11, Closed=14
Pending over 250 days=10
Closed within 250 days=11



Long-Term Care

Administrators - In Q1 2012, the clearance rate was 90%, the Pending Caseload older than 250 business days was 14% and the percent closed within 250 business days was 100%.

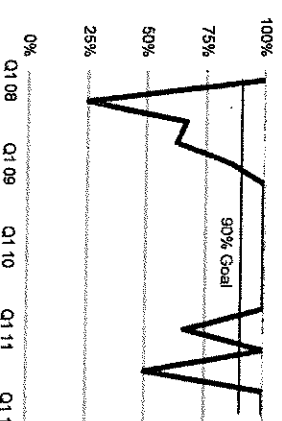
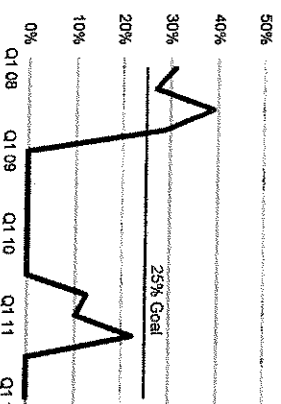
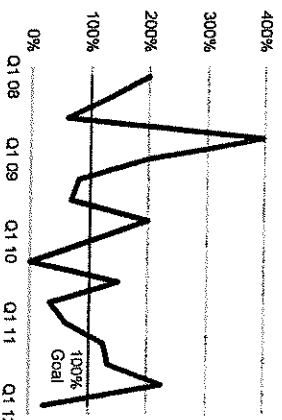
Q1 2012 Caseloads:
Received=10, Closed=9
Pending over 250 days=4
Closed within 250 days=9



Optometry

- In Q1 2012, the clearance rate was 25%, the Pending Caseload older than 250 business days was 0% and the percent closed within 250 business days was 100%.

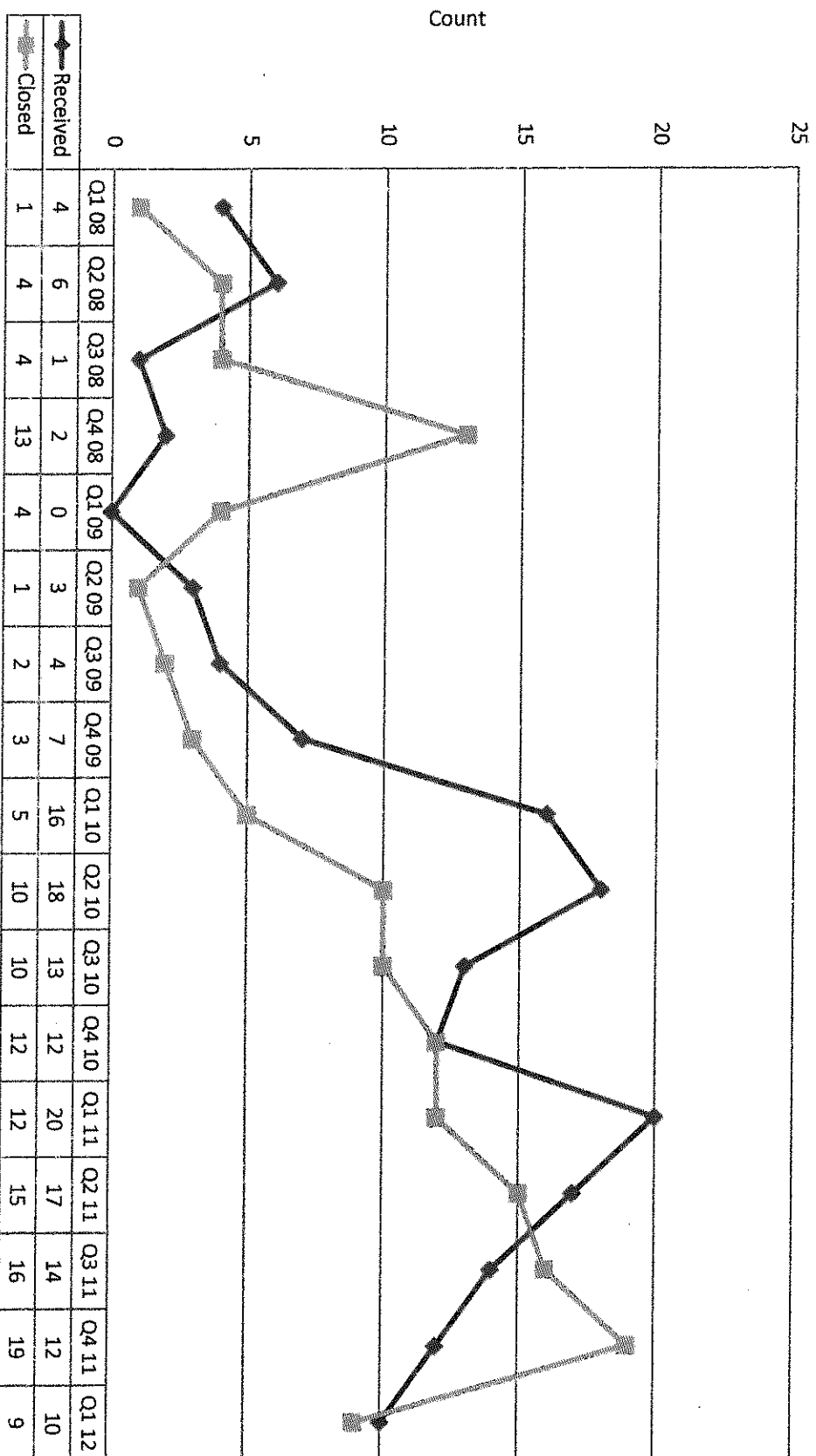
Q1 2012 Caseloads:
Received=8, Closed=2
Pending over 250 days=0
Closed within 250 days=2



Note: Vertical scales on line charts change, both across boards and measures, in order to accommodate varying degrees of data fluctuation.

Long-Term Care Administrators Quarterly Received vs. Closed Profile

FY 2012 (1)



Tab 3

8/22/2011 7:36 am Date / Time filed with the Register of Regulations	VA.R. Document Number: R_____ - _____
	Virginia Register Publication Information
	Date: 9/12/2011 Issue: 1 Volume: 28

Transmittal Sheet: Notice of Intended Regulatory Action

Regulatory Coordinator: Elaine J. Yeatts
(804)367-4688
elaine.yeatts@dhp.virginia.gov

Promulgating Board: Board of Long-Term Care Administrators

NOIRA Notice: Notice is hereby given in accordance with § 2.2-4007.01 of the Code of Virginia that the Board of Long-Term Care Administrators intends to consider amending the following regulations

Chapters Affected:

18 vac 95 - 30:	Regulations Governing the Practice of Assisted Living Facility Administrators
-----------------	---

Action Title: Oversight of acting administrators in an AIT program

Agency Summary: The purpose of the proposed action is summarized as follows:

The purpose of the regulatory action is to comply with the second enactment of Chapter 609 of the 2011 Acts of the Assembly, which requires: "That the Board of Long-Term Care Administrators shall promulgate regulations for the oversight of acting administrators of assisted living facilities who have sought licensure but who are not yet licensed as long-term care administrators by a preceptor registered or recognized by the Board." To implement provisions of Chapter 609, the Board will amend certain regulations for an administrator-in-training to ensure adequate oversight by the preceptor who is supervising the training of a person serving as the acting administrator for an assisted living facility. Regulations are intended to clarify that the acting administrator is in training, that the preceptor is responsible for appropriate oversight, and that survey visit reports for the facility become part of the administrator-in-training reports.

Statutory Authority: State: 54.1-2400 and 54.1-3102

Federal:

Is a public hearing planned for the proposed stage? Yes

Public comments may be submitted until 5:00 p.m. on 10/12/2011.

Agency Contact: Lisa Russell Hahn
Executive Director
(804)367-4595
(804)527-4413
()-
Ltc@dhp.virginia.gov

Contact Address: Department of Health Professions
9960 Mayland Drive
Suite 300
Richmond, VA23233-1463

APA Compliance: This regulation has been adopted in accordance with the Administrative Process Act.

Action ID: 3514 Stage ID: 5941 RIS Project ID: 002920

VIRGINIA ACTS OF ASSEMBLY -- 2011 SESSION

CHAPTER 609

An Act to amend and reenact §§ 54.1-3103.1 and 63.2-1803 of the Code of Virginia, relating to administration of assisted living facilities.

[S 1093]

Approved March 25, 2011

Be it enacted by the General Assembly of Virginia:

1. That §§ 54.1-3103.1 and 63.2-1803 of the Code of Virginia are amended and reenacted as follows:

§ 54.1-3103.1. Administrator required for operation of assisted living facility; operation after death, illness, etc., of administrator; notification of Board; administrators operating more than one facility.

A. All licensed assisted living facilities within the Commonwealth shall be under the supervision of an administrator licensed by the Board, except as provided in subsection B of § 54.1-3102. If a licensed assisted living facility administrator dies, ~~becomes ill~~, resigns, ~~or is discharged, or becomes unable to perform his duties~~, the assisted living facility ~~that was administered by him at the time of his death, illness, resignation, or discharge~~ may continue to operate until his successor qualifies, but in no case for longer than is permitted by the licensing authority for the facility with an acting administrator in accordance with the provisions of § 63.2-1803. The temporary supervisor or administrator facility shall immediately notify the Board of Long-Term Care Administrators and the ~~Commissioner~~ regional licensing office of the Department of Social Services that the assisted living facility is operating without the supervision of a licensed assisted living facility administrator and shall provide the last date of employment of the licensed administrator. When an acting administrator is named, he shall notify the Department of Social Services of his employment and, if he is intending to assume the position permanently, submit a completed application for an approved administrator-in-training program to the Board within 10 days of employment.

B. Nothing in this chapter shall prohibit an assisted living administrator from serving as the administrator of record for more than one assisted living facility as permitted by regulations of the licensing authority for the facility.

§ 63.2-1803. Staffing of assisted living facilities.

A. An administrator of an assisted living facility shall be licensed as an assisted living facility administrator by the Virginia Board of Long-Term Care Administrators pursuant to Chapter 31 (§ 54.1-3100 et seq.) of Title 54.1. However, an administrator of an assisted living facility licensed for residential living care only shall not be required to be licensed. Any person meeting the qualifications for a licensed nursing home administrator under § 54.1-3103 shall be deemed qualified to (i) serve as an administrator of an assisted living facility or (ii) serve as the administrator of both an assisted living facility and a licensed nursing home, provided the assisted living facility and licensed nursing home are part of the same building.

B. If a licensed assisted living facility administrator dies, resigns, is discharged, or becomes unable to perform his duties, the assisted living facility shall immediately employ a licensed administrator or appoint an acting administrator who is qualified by education for an approved administrator-in-training program and has a minimum of one year of administrative or supervisory experience in a health care or long-term care facility, or has completed such a program and is awaiting licensure. The facility shall give immediate notice to the regional licensing office of the Department of Social Services and to the Board of Long-Term Care Administrators and shall provide the last date of employment of the licensed administrator. When an acting administrator is named, he shall notify the Department of his employment and, if intending to assume the position permanently, submit a completed application for an approved administrator-in-training program to the Board of Long-Term Care Administrators within 10 days of employment. An assisted living facility may be operated by an acting administrator for no more than 150 days, or not more than 90 days if the acting administrator has not applied for licensure, from the last date of employment of the licensed administrator.

C. The Department may grant an extension of up to 30 days in addition to the 150 days from the last date of employment of a licensed administrator if the acting administrator has applied for licensure as a long-term care administrator pursuant to Chapter 31 (§ 54.1-3100 et seq.) of Title 54.1, has completed the administrator-in-training program, and is awaiting the results of the national examination. If a 30-day extension is granted, the acting administrator shall immediately submit written notice to the Board of Long-Term Care Administrators. In no case shall an assisted living facility be operated with an acting administrator for more than 180 days, including the 30-day extension, from the last date of employment of a licensed administrator.

D. No assisted living facility shall operate under the supervision of an acting administrator pursuant

to § 54.1-3103.1 and this section more than one time during any two-year period unless authorized to do so by the Department. Determinations regarding authorization to operate under the supervision of an acting administrator for more than one time in any two-year period shall be made by the Department on a case-by-case basis.

E. The assisted living facility shall have adequate, appropriate, and sufficient staff to provide services to attain and maintain (i) the physical, mental and psychosocial well-being of each resident as determined by resident assessments and individual plans of care and (ii) the physical safety of the residents on the premises. Upon admission and upon request, the assisted living facility shall provide in writing a description of the types of staff working in the facility and the services provided, including the hours such services are available.

2. That the Board of Long-Term Care Administrators shall promulgate regulations for the oversight of acting administrators of assisted living facilities who have sought licensure but who are not yet licensed as long-term care administrators by a preceptor registered or recognized by the Board.

Project 2920 - Proposed

BOARD OF LONG-TERM CARE ADMINISTRATORS

Oversight of acting administrators in an AIT program

Part III

Requirements for Licensure

18VAC95-30-95. Licensure of current administrators. (Repealed.)

~~A. Until January 2, 2009, any person who has served in one of the following positions for the period of one of the four years immediately preceding application for licensure may be licensed by the board:~~

~~1. A full-time administrator of record in accordance with requirements of 22VAC40-72-200, or an assistant administrator in an assisted living facility, as documented on an application for licensure; or~~

~~2. A full-time regional administrator with onsite supervisory responsibilities for one or more assisted living facilities with at least two years of previous experience as the administrator of an assisted living facility as documented on an application for licensure.~~

~~B. Persons who are applying for licensure based on experience as an administrator as specified in subsection A of this section shall document a passing grade on the national credentialing examination for administrators of assisted living facilities approved by the board.~~

18VAC95-30-130. Application package.

A. An application for licensure shall be submitted after the applicant completes the qualifications for licensure.

B. An individual seeking licensure as an assisted living facility administrator or registration as a preceptor shall submit:

1. A completed application as provided by the board;
2. Additional documentation as may be required by the board to determine eligibility of the applicant, to include the most recent survey report if the applicant has been serving as an acting administrator of a facility;
3. The applicable fee; and
4. An attestation that he has read and understands and will remain current with the applicable Virginia laws and the regulations relating to assisted living facilities.

C. With the exception of school transcripts, examination scores, and verifications from other state boards, all parts of the application package shall be submitted at the same time. An incomplete package shall be retained by the board for one year, after which time the application shall be destroyed and a new application and fee shall be required.

18VAC95-30-150. Required hours of training.

A. The ALF AIT program shall consist of hours of continuous training as specified in 18VAC95-30-100 A 1 in a facility as prescribed in 18VAC95-30-170 to be completed within 24 months, except a person in an ALF AIT who has been approved by the board and is serving as an acting administrator shall complete the program within 150 days. An extension may be granted by the board on an individual case basis. The board may reduce the required hours for applicants with certain qualifications as prescribed in subsection B of this section.

B. An ALF AIT applicant with prior health care work experience may request approval to receive hours of credit toward the total hours as follows:

1. An applicant who has been employed full time for one of the past four years immediately prior to application as an assistant administrator in a licensed assisted living facility or nursing home or as a hospital administrator shall complete 320 hours in an ALF AIT;
2. An applicant who holds a license or a multistate licensure privilege as a registered nurse and who has held an administrative level supervisory position in nursing for at least one of the past four consecutive years in a licensed assisted living facility or nursing home shall complete 320 hours in an ALF AIT; or
3. An applicant who holds a license or a multistate licensure privilege as a licensed practical nurse and who has held an administrative level supervisory position in nursing for at least one of the past four consecutive years in a licensed assisted living facility or nursing home shall complete 480 hours in an ALF AIT.

18VAC95-30-180. Preceptors.

A. Training in an ALF AIT program shall be under the supervision of a preceptor who is registered or recognized by a licensing board.

B. To be registered by the board as a preceptor, a person shall:

1. Hold a current, unrestricted Virginia assisted living facility administrator or nursing home administrator license;
 2. Be employed full-time as an administrator in a training facility or facilities for a minimum of one of the past four years immediately prior to registration or be a regional administrator with on-site supervisory responsibilities for a training facility or facilities;
- and

3. Submit an application and fee as prescribed in 18VAC95-30-40. The board may waive such application and fee for a person who is already approved as a preceptor for nursing home licensure.

C. A preceptor shall:

1. Provide direct instruction, planning and evaluation;
2. Be routinely present with the trainee in the training facility; and
3. Continually evaluate the development and experience of the trainee to determine specific areas needed for concentration.

D. A preceptor may supervise no more than two trainees at any one time.

E. A preceptor for a person who is serving as an acting administrator while in an ALF AIT program shall be present in the training facility for face-to-face instruction and review of the trainee's performance for a minimum of two hours per week.

18VAC95-30-190. Reporting requirements.

A. The preceptor shall maintain progress reports on forms prescribed by the board for each month of training. For a person who is serving as an acting administrator while in an ALF AIT program, the preceptor shall include in the progress report evidence of face-to-face instruction and review for a minimum of two hours per week.

B. The trainee's certificate of completion plus the accumulated original monthly reports shall be submitted by the preceptor to the board within 30 days following the completion of the program. For a trainee who is serving as an acting administrator while in an ALF AIT program, the certificate of completion and reports shall be submitted to the board within five business days of completion of the program.

18VAC95-30-201. Administrator-in-training program for acting administrators.

A. A person who is in an ALF AIT program while serving as an acting administrator, pursuant to § 54.1-3103.1 of the Code of Virginia, shall be identified on his nametag as an acting administrator-in-training.

B. The facility shall post the certificate issued by the board for the acting administrator and a copy of the license of the preceptor in a place conspicuous to the public.

Notice of Periodic Review of Regulations Request for Comment

Review Announcement: The Board of Long-Term Care Administrators within the Department of Health Professions is preparing to conduct a periodic review of its regulations for Nursing Home Administrators.

18VAC95-20-10 et seq., Regulations Governing the Practice of Nursing Home Administrators

The Board is receiving comment on whether the regulations should be terminated, amended for clarification or for consistency with changes in practice, or retained in their current form.

The review of the regulations will be guided by the principles in Executive Order 14 (2011) (<http://www.governor.virginia.gov/Issues/ExecutiveOrders/2010/EO-14.cfm>) and § 2.2-4007.1 of the Code of Virginia (<http://leg1.state.va.us/cgi-bin/legp504.exe?000+cod+2.2-4007.1>). Public comment is sought on the review of any issue relating to the regulations, including whether the regulations (i) are necessary for the protection of public health, safety, and welfare or for the economical performance of important governmental functions; (ii) minimize the economic impact on small businesses in a manner consistent with the stated objectives of applicable law; and (iii) are clearly written and easily understandable.

Comment Begins: August 1, 2011

Comment Ends: September 1, 2011

If any member of the public would like to comment on these regulations, please send comments by the close of the comment period to:

Elaine J. Yeatts
Agency Regulatory Coordinator
Department of Health Professions
9960 Mayland Drive, Suite 300
Richmond, VA 23233

Comments may also be e-mailed to: elaine.yeatts@dhp.virginia.gov or faxed to: (804) 527-4434

Regulations for the Board of Long-Term Care Administrators may be viewed on-line at www.townhall.virginia.gov or www.dhp.virginia.gov or copies will be sent upon request.

Commonwealth of Virginia



REGULATIONS

GOVERNING THE PRACTICE OF NURSING HOME ADMINISTRATORS

**Virginia Board of Long-Term Care
Administrators**

Title of Regulations: 18VAC95-20-10 et seq.

**Statutory Authority: § 54.1-2400 and Chapter 31 of Title 54.1
of the *Code of Virginia***

Revised Effective Date: January 20, 2010

9960 Mayland Drive, Suite 300
Richmond, VA 23233

Phone: (804) 367-4630
FAX: (804) 527-4413
lrc@dhp.virginia.gov

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Part I. General Provisions.

18VAC95-20-10. Definitions.

A. The following words and terms when used in this chapter shall have the definitions ascribed to them in §54.1-3100 of the Code of Virginia:

“Board”

“Nursing home”

“Nursing home administrator”

B. The following words and terms when used in this chapter shall have the following meanings unless the context indicates otherwise:

"Accredited institution" means any degree-granting college or university accredited by an accrediting body approved by the United States Department of Education or any diploma-granting program approved by the Virginia Board of Nursing.

"A.I.T." means a person enrolled in the administrator-in-training program in nursing home administration in a licensed nursing home.

"Administrator-of-record" means the licensed nursing home administrator designated in charge of the general administration of the facility and identified as such to the facility's licensing agency.

"Approved sponsor" means an individual, business or organization approved by the National Association of Long Term Care Administrator Boards or by an accredited education institution to offer continuing education programs in accordance with this chapter.

"Continuing education" means the educational activities which serve to maintain, develop, or increase the knowledge, skills, performance and competence recognized as relevant to the nursing home administrator's professional responsibilities.

"Full time" means employment of at least 35 hours per week.

"Hour" means 60 minutes of participation in a program for obtaining continuing education.

"Internship" means a practicum or course of study as part of a degree or post-degree program designed especially for the preparation of candidates for licensure as nursing home administrators that involves supervision by an accredited college or university of the practical application of previously studied theory.

"National examination" means a test used by the board to determine the competence of candidates for licensure as administered by the National Association of Long Term Care Administrator Boards or any other examination approved by the board.

"Preceptor" means a nursing home administrator currently licensed and registered or recognized by a nursing home administrator licensing board to conduct an administrator-in-training (A.I.T.) program.

"State examination" means a test used by the Board of Long-Term Care Administrators to determine competency of a candidate relevant to regulations and laws in Virginia governing nursing home administration.

18VAC95-20-20 to 18VAC95-20-50. [Repealed]

18VAC95-20-60. Posting of license.

Each licensee shall post his license in a main entrance or place conspicuous to the public in the facility in which the licensee is administrator-of-record.

18VAC95-20-70. Accuracy of information.

A. All changes in the address of record or the public address, if different from the address of record, or the name of a licensee, trainee, or preceptor shall be furnished to the board within 30 days after the change occurs.

B. All notices required by law and by this chapter to be mailed by the board to any registrant or licensee shall be validly given when mailed to the latest address of record on file with the board and shall not relieve the licensee, trainee, or preceptor of the obligation to comply

18VAC95-20-80. Required fees.

The applicant shall submit all fees below which apply:

1. A.I.T. program application	\$185
2. Preceptor application	\$50
3. Licensure application	\$200
4. Verification of licensure requests from other states	\$25
5. Nursing home administrator license renewal	\$225
6. Preceptor renewal	\$50
7. Penalty for nursing home administrator late renewal	\$65
8. Penalty for preceptor late renewal	\$20
9. Nursing home administrator reinstatement	\$315
10. Preceptor reinstatement	\$95

- | | |
|---------------------------------|------|
| 11. Duplicate license | \$15 |
| 12. Duplicate wall certificates | \$25 |

18VAC95-20-90 to 18VAC95-20-120. [Repealed]

18VAC95-20-130. Additional fee information.

- A. There shall be a fee of \$35 for returned checks.
- B. Fees shall not be refunded once submitted.
- C. Examination fees are to be paid directly to the service or services contracted by the board to administer the examinations.

Part II. Renewals and Reinstatements.

18VAC95-20-140 to 18VAC95-20-160. [Repealed]

18VAC95-20-170. Renewal requirements.

- A. A person who desires to renew his license or preceptor registration for the next year shall, not later than the expiration date of March 31 of each year, submit a completed renewal form and fee.
- B. The renewal form and fee shall be received no later than the expiration date. Postmarks shall not be considered.
- C. A nursing home administrator license or preceptor registration not renewed by the expiration date shall be invalid.

18VAC95-20-175. Continuing education requirements.

- A. In order to renew a nursing home administrator license, an applicant shall attest on his renewal application to completion of 20 hours of approved continuing education for each renewal year.
 - 1. Up to 10 of the 20 hours may be obtained through Internet or self-study courses and up to 10 continuing education hours in excess of the number required may be transferred or credited to the next renewal year.
 - 2. A licensee is exempt from completing continuing education requirements and considered in compliance on the first renewal date following initial licensure.
- B. In order for continuing education to be approved by the board, it shall be related to health care administration and shall be approved by the National Association of Long Term Care Administrator Boards or by an accredited institution.
- C. Documentation of continuing education.

1. The licensee shall retain in his personal files for a period of three renewal years complete documentation of continuing education including evidence of attendance or participation as provided by the approved sponsor for each course taken.

2. Evidence of attendance shall be an original document provided by the approved sponsor and shall include:

- a. Date or dates the course was taken;
- b. Hours of attendance or participation;
- c. Participant's name; and
- d. Signature of an authorized representative of the approved sponsor.

3. If contacted for an audit, the licensee shall forward to the board by the date requested a signed affidavit of completion on forms provided by the board and evidence of attendance or participation as provided by the approved sponsor.

D. The board may grant an extension of up to one year or an exemption for all or part of the continuing education requirements due to circumstances beyond the control of the administrator, such as a certified illness, a temporary disability, mandatory military service, or officially declared disasters.

18VAC95-20-180. Late renewal.

A. A person who fails to renew his license or preceptor registration by the expiration date shall, within one year of the initial expiration date:

- 1. Return the renewal notice or request renewal in writing to the board; and
- 2. Submit the applicable renewal fee and penalty fee.

B. The documents required in subsection A of this section shall be received in the board office within one year of the initial expiration date. Postmarks shall not be considered.

18VAC95-20-190. [Repealed]

18VAC95-20-200. Reinstatement for nursing home administrator license or preceptor registration.

A. The board may reinstate a nursing home administrator license or preceptor registration that was not renewed within one year of the initial expiration date.

B. An applicant for nursing home administrator license reinstatement shall apply on a reinstatement form provided by the board, submit the reinstatement fee, and provide one of the following:

1. Evidence of the equivalent of 20 hours of continuing education for each year since the last renewal, not to exceed a total of 60 hours.
2. Evidence of active practice in another state or U.S. jurisdiction or in the U.S. armed services during the period licensure in Virginia was lapsed.
3. Evidence of requalifying for licensure by meeting the requirements prescribed in 18VAC95-20-220 or 18VAC95-20-225.

C. An applicant for preceptor reinstatement shall apply on a reinstatement form provided by the board, submit the reinstatement fee, and meet the current requirements for a preceptor in effect at the time of application for reinstatement.

18VAC95-20-210. [Repealed]

Part III. Requirements for Licensure.

18VAC95-20-220. Qualifications for initial licensure.

One of the following sets of qualifications is required for licensure as a nursing home administrator:

1. Degree and practical experience. The applicant shall (i) hold a baccalaureate or higher degree in nursing home administration or a health care administration field from an accredited college or university; (ii) have completed not less than a 320-hour internship in a licensed nursing home as part of the degree program under the supervision of a preceptor; and (iii) have received a passing grade on the national examination;
2. Certificate program. The applicant shall (i) hold a baccalaureate or higher degree from an accredited college or university; (ii) successfully complete a program with a minimum of 21 semester hours study in nursing home administration or health care administration from an accredited college or university; (iii) successfully complete not less than a 400-hour internship in a licensed nursing home as part of the certificate program under the supervision of a preceptor; and (iv) have received a passing grade on the national examination; or
3. Administrator-in-training program. The applicant shall have (i) successfully completed an A.I.T. program which meets the requirements of Part IV (18VAC95-20-300 et seq.) of this chapter and (ii) received a passing grade on the national examination.

18VAC95-20-225. Qualifications for licensure by endorsement.

The board may issue a license to any person who:

1. Holds a current, unrestricted license from any state or the District of Columbia; and
2. Meets one of the following conditions:
 - a. Has practiced nursing home administration for one year; or

b. Has education and experience equivalent to qualifications required by this chapter and has provided written evidence of those qualifications at the time of application for licensure.

18VAC95-20-230. Application package.

A. An application for licensure shall be submitted after the applicant completes the qualifications for licensure.

B. An individual seeking licensure as a nursing home administrator or registration as a preceptor shall submit:

1. A completed application as provided by the board;
2. Additional documentation as may be required by the board to determine eligibility of the applicant;
3. The applicable fee; and
4. An attestation that he has read and understands and will remain current with the applicable Virginia laws and regulations relating to the administration of nursing homes.

C. With the exception of school transcripts, examination scores, and verifications from other state boards, all parts of the application package shall be submitted at the same time. An incomplete package shall be retained by the board for one year, after which time the application shall be destroyed and a new application and fee shall be required.

18VAC95-20-240 to 18VAC95-20-290. [Repealed]

Part IV. Administrator-In-Training Program.

18VAC95-20-300. Administrator-in-training qualifications.

A. To be approved as an administrator-in-training, a person shall:

1. Have received a passing grade on a total of 60 semester hours of education from an accredited college or university;
2. Obtain a preceptor to provide training;
3. Submit the fee prescribed in 18VAC95-20-80;
4. Submit the application provided by the board; and
5. Submit additional documentation as may be necessary to determine eligibility of the applicant and the number of hours required for the A.I.T. program.

B. With the exception of school transcripts, all required parts of the application package shall be submitted at the same time. An incomplete package shall be retained by the board for one year after which time the application shall be destroyed and a new application and fee shall be required.

18VAC95-20-310. Required hours of training.

A. The A.I.T. program shall consist of 2,000 hours of continuous training in a facility as prescribed in 18VAC95-20-330 to be completed within 24 months. An extension may be granted by the board on an individual case basis. The board may reduce the required hours for applicants with certain qualifications as prescribed in subsection B and C of this section.

B. An A.I.T. applicant with prior health care work experience may request approval to receive a maximum 1,000 hours of credit toward the total 2,000 hours as follows:

1. Applicant shall have been employed full time for four of the past five consecutive years immediately prior to application as an assistant administrator or director of nursing in a training facility as prescribed in 18VAC95-20-330;

2. Applicants with experience as a hospital administrator shall have been employed full time for three of the past five years immediately prior to application as a hospital administrator-of-record or an assistant hospital administrator in a hospital setting having responsibilities in all of the following areas:

a. Regulatory;

b. Fiscal;

c. Supervisory;

d. Personnel; and

e. Management; or

3. Applicants who hold a license as a registered nurse shall have held an administrative level supervisory position for at least four of the past five consecutive years, in a training facility as prescribed in 18VAC95-20-330.

C. An A.I.T. applicant with the following educational qualifications shall meet these requirements:

1. An applicant with a master's or a baccalaureate degree in health care administration or a comparable field with no internship shall complete 320 hours in an A.I.T. program;

2. An applicant with a master's degree in an unrelated field shall complete 1,000 hours in an A.I.T. program;

3. An applicant with a baccalaureate degree in an unrelated field shall complete 1,500 hours in an A.I.T. program; or

4. An applicant with 60 semester hours of education in an accredited college or university shall complete 2,000 hours in an A.I.T. program.

D. An A.I.T. shall be required to serve weekday, evening, night and weekend shifts to receive training in all areas of nursing home operation.

18VAC95-20-320. [Repealed]

18VAC95-20-330. Training facilities.

Training shall be conducted only in:

1. A nursing home licensed by the Virginia Board of Health or by a similar licensing body in another jurisdiction;
2. An institution operated by the Virginia State Mental Health, Mental Retardation and Substance Abuse Services Board in which long-term care is provided;
3. A certified nursing home owned or operated by an agency of any city, county, or the Commonwealth or of the United States government; or
4. A certified nursing home unit located in and operated by a licensed hospital as defined in §32.1-123 of the Code of Virginia, a state-operated hospital, or a hospital licensed in another jurisdiction.

18VAC95-20-340. Supervision of trainees.

A. Training shall be under the supervision of a preceptor who is registered or recognized by a licensing board.

B. A preceptor may supervise no more than two A.I.T.'s at any one time.

C. A preceptor shall:

1. Provide direct instruction, planning and evaluation;
2. Shall be routinely present with the trainee in the training facility; and
3. Shall continually evaluate the development and experience of the A.I.T. to determine specific areas needed for concentration.

18VAC95-20-350 to 18VAC95-20-370. [Repealed]

18VAC95-20-380. Qualifications of preceptors.

To be registered by the board as a preceptor, a person shall:

1. Hold a current, unrestricted Virginia nursing home administrator license and be employed full time as an administrator in a training facility for a minimum of two of the past three years immediately prior to registration; and
2. Meet the application requirements in 18VAC95-20-230.

18VAC95-20-390. Training plan.

Prior to the beginning of the A.I.T. program, the preceptor shall develop and submit for board approval a training plan which shall include and be designed around the specific training needs of the administrator-in-training. The training plan shall include the 1996 Domains of Practice approved by the National Association of Long Term Care Administrator Boards and incorporated by reference into these regulations. An A.I.T. program shall include training in each of the learning areas in the Domains of Practice.

18VAC95-20-400. Reporting requirements.

A. The preceptor shall maintain progress reports on forms prescribed by the board for each month of training.

B. The A.I.T.'s certificate of completion plus the accumulated original monthly reports shall be submitted by the preceptor to the board within 30 days following the completion of the A.I.T. program.

18VAC95-20-410 to 18VAC95-20-420. [Repealed]

18VAC95-20-430. Termination of program.

A. If the A.I.T. program is terminated prior to completion, the trainee and the preceptor shall each submit a written explanation of the causes of program termination to the board within five working days.

B. The preceptor shall also submit all required monthly progress reports completed prior to termination.

18VAC95-20-440. Interruption of program.

A. If the program is interrupted because the registered preceptor is unable to serve, the A.I.T. shall notify the board within five working days and shall obtain a new preceptor who is registered with the board within 60 days.

B. Credit for training shall resume when a new preceptor is obtained and approved by the board.

C. If an alternate training plan is developed, it shall be submitted to the board for approval before the A.I.T. resumes training.

18VAC95-20-450 to 18VAC95-20-460. [Repealed]

Part V. Refusal, Suspension, Revocation, and Disciplinary Action.

18VAC95-20-470. Unprofessional conduct.

The board may refuse to admit a candidate to an examination, refuse to issue or renew a license or approval to any applicant, suspend a license for a stated period of time or indefinitely, reprimand a licensee, place his license on probation with such terms and conditions and for such time as it may designate, impose a monetary penalty, or revoke a license for any of the following causes:

1. Conducting the practice of nursing home administration in such a manner as to constitute a danger to the health, safety, and well-being of the residents, staff, or public;
2. Failure to comply with federal, state, or local laws and regulations governing the operation of a nursing home;
3. Conviction of a felony or any misdemeanor involving abuse, neglect or moral turpitude;
4. Failure to comply with any regulations of the board; or
5. Inability to practice with skill or safety.

18VAC95-20-471. Criteria for delegation of informal fact-finding proceedings to an agency subordinate.

A. Decision to delegate.

In accordance with § 54.1-2400 (10) of the Code of Virginia, the board may delegate an informal fact-finding proceeding to an agency subordinate upon determination that probable cause exists that a practitioner may be subject to a disciplinary action.

B. Criteria for delegation. Cases that may not be delegated to an agency subordinate include violations of standards of practice as set forth in subdivisions 1, 3 and 5 of 18VAC95-20-470, except as may otherwise be determined by a special conference committee of the Board.

C. Criteria for an agency subordinate.

1. An agency subordinate authorized by the board to conduct an informal fact-finding proceeding may include current or past board members and professional staff or other persons deemed knowledgeable by virtue of their training and experience in administrative proceedings involving the regulation and discipline of health professionals.
2. The executive director shall maintain a list of appropriately qualified persons to whom an informal fact-finding proceeding may be delegated.
3. The board may delegate to the executive director the selection of the agency subordinate who is deemed appropriately qualified to conduct a proceeding based on the qualifications of the subordinate and the type of case being heard.

18VAC95-20-480 to 18VAC95-20-740. [Repealed]